

Message Text

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SUBJECT: UNIDO CONFERENCE: LEGAL ARTICLES

REF: VIENNA 5601

1. REPORT OF CHAIRMAN OF LEGAL SUBCOMMITTEE ON
ARTICLES REPORTED REFTEL RECEIVED WITHOUT SUBSTANTIVE
COMMENT BY NEGOTIATING COMMITTEE JULY 9.

2. NEGOTIATION COMMITTEE ALSO RECEIVED WITHOUT
SUBSTANTIVE COMMENT CHAIRMAN'S REPORT ON ARTICLE 18 AND
ANNEX II AS ADOPTED BY LEGAL SUBCOMMITTEE JULY 8, AS FOLLOWS:

ARTICLE 18- PRIVILEGES AND IMMUNITIES

1. THE ORGANIZATION SHALL ENJOY IN THE TERRITORY
OF EACH OF ITS MEMBERS SUCH LEGAL CAPACITY AND SUCH
PRIVILEGES AND IMMUNITIES AS ARE NECESSARY FOR THE
EXERCISE OF ITS FUNCTIONS AND FOR THE FULFILLMENT
OF ITS PURPOSES.

2. REPRESENTATIVES OF MEMBERS AND OFFICIALS
OF THE ORGANIZATION SHALL ENJOY SUCH PRIVILEGES AND
IMMUNITIES AS ARE NECESSARY FOR THE INDEPENDENT
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EXERCISE OF THEIR FUNCTIONS IN CONNEXION WITH

THE ORGANIZATION.

3. IN THE CASE OF STATES WHICH HAVE ACCEDED TO THE CONVENTION ON THE PRIVILEGES AND IMMUNITIES OF THE SPECIALIZED AGENCIES IN RESPECT OF THE ORGANIZATION, THE LEGAL CAPACITY, PRIVILEGES AND IMMUNITIES REFERRED TO IN THIS ARTICLE SHALL BE AS DEFINED IN THAT CONVENTION, SUBJECT TO ANY MODIFICATIONS SET FORTH IN AN ANNEX THERETO APPROVED BY THE BOARD IN ACCORDANCE WITH ARTICLE X OF THE CONVENTION. SUCH CAPACITY, PRIVILEGES AND IMMUNITIES MAY ALSO BE DEFINED IN OTHER AGREEMENTS ENTERED INTO BY THE ORGANIZATION.

ANNEX II

TRANSITIONAL PRIVILEGES AND IMMUNITIES

THE CONVENTION ON THE PRIVILEGES AND IMMUNITIES OF THE UNITED NATIONS SHALL, IN RESPECT OF EACH STATE PARTY TO THAT CONVENTION THAT BECOMES A MEMBER OF THE ORGANIZATION, APPLY TO THE ORGANIZATION, UNLESS SUCH STATE NOTIFIES THE DEPOSITORY ON DEPOSITING ITS INSTRUMENT OF RATIFICATION, ACCEPTANCE, APPROVAL OR ACCESSION THAT IT WILL NOT APPLY THE CONVENTION TO THE ORGANIZATION, AND SHALL CONTINUE TO APPLY UNTIL THIRTY DAYS AFTER SUCH STATE HAS NOTIFIED THE DEPOSITORY THAT THAT CONVENTION SHALL CEASE TO APPLY TO THE ORGANIZATION OR UNTIL THE DATE ON WHICH THE CONVENTION ON THE PRIVILEGES AND IMMUNITIES OF THE SPECIALIZED AGENCIES BECOMES APPLICABLE BY SUCH STATE IN RESPECT OF THE ORGANIZATION, WHICHEVER EVENT OCCURS SOONER.

3. REPORT ALSO NOTED THAT LEGAL SUBCOMMITTEE PROVISIONALLY ADOPTED ARTICLE 19(2)M NO SUBSTANTIVE COMMENT ON THIS PARAGRAPH.

ARTICLE 19- SETTLEMENT OF DISPUTES

2. THE CONFERENCE AND THE BOARD ARE SEPARATELY EMPOWERED, SUBJECT TO AUTHORIZATION FROM THE GENERAL UNCLASSIFIED

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ASSEMBLY OF THE UNITED NATIONS, TO REQUEST THE INTERNATIONAL COURT OF JUSTICE TO GIVE AN ADVISORY OPINION ON ANY LEGAL QUESTION ARISING WITHIN THE SCOPE OF THE ORGANIZATION'S ACTIVITIES.

4. COMMENTS: (A) LAST SENTENCE OF ARTICLE 18(3) WAS CHANGED FROM GROUP 77 DRAFT AT INSISTENCE OF US TO AVOID IMPLICATION IN GROUP 77 DRAFT THAT FUNCTIONAL IMMUNITIES

GRANTED BY ARTICLE 18(1) AND (2) REQUIRED SEPARATE
INTERNATIONAL AGREEMENTS TO BRING THEM INTO EFFECT.

(B) PROVISION IN ANNEX II THAT STATE MAY NOTIFY
DEPOSITORY, AT TIME OF DEPOSITING INSTRUMENT OF
RATIFICATION, THAT IT WILL NOT APPLY CONVENTION ON
P AND I OF UN, ADDED TO SECRETARIAT DRAFT AT URGING
OF US. (C) ADOPTION OF ARTICLE 19(2) WAS ONLY
PROVISIONAL BECAUSE REMAINDER OF ARTICLE IS BOGGED
DOWN IN USUAL CONTENTION IN SUBCOMMITTEE AND NOT
YET ADOPTED. STIBRAVY

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